

**FILED**

APR 27 2015

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 FIKRI BAYRAMOGLU, In Pro Per  
2 Esatpasa Mah.Mehmet KatipSk  
3 No. 21/1-Atasehir, Istanbul, Turkey  
4 Phone: 05365551419  
5 Email: [FikriBayramoglu@gmail.com](mailto:FikriBayramoglu@gmail.com)

6  
7 Plaintiff, FIKRI BAYRAMOGLU

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 FIKRI BAYRAMOGLU,  
11 Plaintiff,  
12 v.  
13 MATTHEW CATE, et al.,  
14 Defendants.

CASE NO. 13-cv-01094-YGR (PR)

**PLAINTIFF'S MOTON TO REOPEN  
CASE, FOR CHANGE OF ADDRESS  
AND FOR PERMISSION FOR ELECTRIC  
FILING AND INSTRUCTIONS**

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17  
18 **TO ALL PARTIES AND TO THE HONORABLE COURT:**

19 PLEASE TAKE NOTICE that the Plaintiff, FIKRI BAYRAMOGLU, submits the  
20 following MOTON TO REOPEN CASE, FOR CHANGE OF ADDRESS AND FOR  
21 PERMISSION FOR ELECTRIC FILING AND INSTRUCTIONS, attached hereto.

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Fikri Bayramoglu, Plaintiff In Pro Per  
 Esatpasa Mah. Mehmet Katip Sk.  
 No. 21/1 - Atasehir, Istanbul, Turkey  
 Phone: 05365551419 - E-Mail Fikri  
 Bayramoglu@gmail.com Plaintiff

United States District Court  
 Northern District of California  
 Oakland Division

Fikri Bayramoglu, Plaintiff,	Case No. C13-1094 YGR (PR)
	<u>Notice And</u>
<u>Vs.</u>	Motion to Reopen Case, and
	Change of Address, and to
Matthew Cate, et al.,	Pay the full filing fee of
Defendants	\$350, by May 18, 2015.
	Request for Permission for

Electronic Filing, and Instructions.

To the Court and to President of the United States of America, Please take notice that the Plaintiff on April 9, 2015, taken into Turkish Custody at LAX, with the assistance of his Vice Consul Hon. Emir Özbay, and transferred by Turkish Airline to Istanbul, Turkey, under the U.S.-Turkey Prisoner Transfer Treaty.

Plaintiff's current residents/address, Phone Number and E-Mail are indicated above.

Page - 1 of 5 -

### Historical Background

On July 23, 2014, the Court issued an Order that Revoked Plaintiff's in forma pauperis status, after the Case was originally filed on May 20, 2010, and after two district courts 3X "Granted" Plaintiff's in forma pauperis status, per 28 U.S.C. § 1915(g).

On Jan. 14, 2015, the Court issued an Order while the Plaintiff was in the U.S. Custody at MCC in San Diego, CA, that required Plaintiff to pay \$350. filing fee in full, and a Motion to Reopen the Case.

Plaintiff is unable to pay the filing fee accompanied with his motion to reopen the case. Plaintiff at least 3X time called the Court's Clerk's name Clara & Cindy and they told the Pltff, that the Court does NOT accept payment by Western Union, and refused to talk to and rejected Plaintiff's brother Sükrü Bayramoglu's efforts to pay the \$350. filing fee in full! (Plaintiff's brother resides in Sacramento, California)

I do Not know what to do Your Honor! It's a nightmare to send the money to the Court, and I am getting extremely frustrated!

Plaintiff respectfully requests that the Court instruct its staff/clerk to accept the filing fee from the Plaintiff's brother Sükrü Bayramoglu, or American Consulate General in Istanbul to accept the money and issue Plaintiff receipt, or any other instruction

to properly pay this filing fee.

### Reasons for Reopen Case

1) The most powerful evidence in a lawsuit is an admission by the Defendants for the liability in writing, that evidence, and Defendant's Counsel's admission in writing in their "Answer to Complaint" that the Plaintiff's "recovery" are all integral part of the file in this case.

2) The issue before the Court, and Plaintiff's burden is to prove his extreme damages, and Plaintiff extremely confident that he will prove his physical, psychological and legal damages in Court.

3) Turkish people are shocked and very angry that I served 35 years for only 10 year sentence without any prior criminal history, and treated worse than the first-degree-execution-style-murderers.

4) The story editorized on TV and on newspapers. Please see attached article by major newspaper in Turkey "Hurriyet" dated: April 13, 2015, stating: "The first hug in 35 years". The pictures speak for itself.

5) Plaintiff declined additional media coverage, and getting in contact with his Turkish Senators and Congress persons, and made his first attempt/contact with the Defense Counsel then Alica A. Bower to reach an amicable/friendly, and just and fair settlement.

6) But I am your Honor, deadly, deadly, deadly serious about justly and fairly compensated for my "Admitted Constitutional, physical and legal damages".

## Relief Requested

1) That the Court issue an Order directing/instructing Plaintiff to pay the filing fee; and the Court review entire record, including Plaintiff's complaint filed March 11, 2013, in its considerations for re-open this case; 2) if the Defendants decline settlement offer by the Plaintiff, the Court should appoint Counsel. There are certain statutory authority which the federal court may appoint or assign counsel to assist pro se Plaintiff, see USC 28 § 1915(c)

3) Also see Jackson v. Dugby, 433 F.3d 1001, 1006-07 (7th Cir. 2006) See Campana v. U.S. Bureau of Prisons, 243 Fd 629 (2nd Cir. 2001) ("We look first to the 'likelihood of merit' of the underlying dispute." Counsel appointed where Constitutional "issues of substance" was presented.

4) See Jayce v. McMickens, 660 F. Supp 325, 326 (S.D.N.Y. 1987) A primary consideration is the right of every litigant, rich or poor to equal protection consideration before the Court. Coppedge v. United States (1962) 363 U.S. 438, 456. Even without the statutory authority in federal courts, in a proper situation or prevailing circumstances of a case, may assign counsel to an indigent state prisoner/plaintiff under the court's supervisory powers and sound discretion.

The Supervisory Powers of the Federal Courts, 76 Harv L. 1656.

5) For abuse of discretion see Jackson v. Jackson, 126 3d 451, 457-61 (3d Cir. 1997) Aggeman v. Corp. of America, 390 F3d 1101, 1101, 1154 (9th Cir. 2004) (Court improperly denied appointment of counsel because complexity of case created exception



al circumstances); McCarthy v. Weinberg, 753 F.2d 836, 837-40 (10th Cir. 1985). The Ninth Circuit requires a demonstration of both the "likelihood of success" and the complexity of legal issues involved." Rand v. Raubach, 113 F.3d 1529, 1525 (9th Cir. 1997). Dated: April 23, 2015. Respectfully submitted

(Fikri, Plaintiff)

To the Honorable President of the United States

Brief Introduction

I am a 66 years old extremely proud, patriotic citizen of the Republic of Turkey. I was a permanent resident of the U.S. from 1973 to 2015, approx. 42 years.

I was very severely abuse and mistreated by your "finest legal system in the world!" Please see atch. letter dated: June 11, 2013, from Human Rights Defense Center, stating in short "see the terrible treatment you have suffered." Also see atch. letter dated: May 21, 2007, from Attorney Richard D. Atkins, stating: "one can easily see why you are upset. You cannot catch a break anywhere."

I served over a "tragic love story" 35 years Mr. President! I am extremely sad, and very severely damaged person. Over the years, I've sent you many, many documents and letters. Once again, I respectfully request your assistance in getting justly and fairly compensated for my admitted Constitutional, physical, psychological damages, and receiving full Social Security Disability Benefits. Respectfully submitted Dated: April 23, 2015. (Fikri Plaintiff)

Enclosures: 5. Also atch. Courts Order of Jan. 14, 2015



BABASI  
BEDDUA ETTİ

Boğaz'da İstanbul hasretini de gidenen Fikri Bayramoğlu'nun ablası Nazlı, 1960'lı yılların başında ABD Konsolosluğu'ndan bir görevliyle evlendi. California'ya yerleşince, kardeşlerini de yanına aldırdı. 1948 model Plymouth otomobiliyle Şişli-Çağlayan arasında dolmuşculuk yapan Fikri Bayramoğlu, 1978'de, babasının itirazlarına rağmen ABD'ye gitti. Babası da kendisine beddua etti.



Fikri Bayramoğlu

35 yıl sonra ilk  
kucaklaşma

ABD'de kız arkadaşını öldürmekten suçlu bulunan Fikri Bayramoğlu, 35 yıl sonra vatanına ve ailesine kavuştu. Hiç görmediği yeğeniyle sabaha kadar sohbet etti, güneş doğunca soluğu Boğaz'da aldı...

Eyüp SERBEST

Fırat ALKAÇ/İSTANBUL

**A**BD'nin California eyaletinde, 1980 yılında kız arkadaşı Tracy Lee Jones'u öldürmekten hapse giren Fikri Bayramoğlu (67), 35 yıl cezaevinde kaldıktan sonra 3 gün önce Türkiye'ye iade edildi.

İstanbul'a polis eşliğinde getirilen, ilk gecesini nezarethanede geçiren Bayramoğlu, ertesi gün çıkarıldığı mahkemece serbest bırakıldı. Evdeki ilk gecesini kardeşi Ufuk'a sarılıp gözyaşı dökerek, hiç görmediği yengesi ve iki yeğeniyle sohbet ederek geçiren Fikri Bayramoğlu, dün sabah da ilk iş Boğaz'a giderek İstanbul hasretini dindirdi.

ABD'ye gittiği 1978'de 30 ya-

şında olan Bayramoğlu, 20'li yaşların başındaki Tracy Lee Jones'la tanıştı, iki yıl birlikte yaşadı.

## KENDİ CANINI ALAMADI

Ancak annesi kansere yakalanınca, Tracy ona bakmak için 1980 yılı başında evden ayrıldı ve kısa süre sonra, 17 Nisan 1980'de ise o korkunç olay yaşandı. Fikri Bayramoğlu tabancasıyla Tracy Lee Jones'u öldürdü. Ardından başına dayayıp tetiği çektiği silah, tutukluk yaptı. O da mutfaktan aldığı bıçağı peş peşe kendi göğsüne sapladı. Hastanede doktorları kurtulmasına mucize dediler. Bir bıçak darbesi kalbine 11 milimetre girmişti. Eyalet mahkemesi, Bayramoğlu'nu 15 yılı ağız ömür boyu hapis

cezasına çarptırdı. Cezaevindeki koğuşunda bıçak bulunan, şartlı tahliyeden yararlanamadığı için yönetime öfkeli mektuplar yazan Bayramoğlu, 35 yılını demir parmaklıklar arkasında geçirdi. Değiştirdiği 7 cezaevinin ardından, Chuckawalla Cezaevi'nde iade kararı çıktı. Bayramoğlu'nu, Türkiye'den giden iki polis ABD'de teslim alarak İstanbul'a getirdi. Cezaevinde giydiği beyaz eşofmanı ve terlikleriyle indiği Atatürk Havalimanı'nda ilk iş toprağı öpen Fikri Bayramoğlu, ardından da bıraktığında 12, şimdi 49 yaşındaki kardeşi Ufuk ile hiç görmediği yeğeni Eren'e sıkı sıkı sarıldı, gözyaşı döktü...

15 MİLYON  
DOLARLIK  
TAZMİNAT  
DAVASI AÇTI

**T**ÜRKİYE'ye iade kararı sonrası Fikri Bayramoğlu, avukatı Stanley Stone aracılığıyla, cezaevinde fazla yatırıldığı gerekçesiyle ABD hükümetine 15 milyon dolarlık tazminat davası açtı. Bayramoğlu Hürriyet'e şunları söyledi: "Türkiye'ye gelirken, davayı geri çekmem karşılığında 500 bin dolar teklif ettiler ama kabul etmedim. Haklarımı sonuna kadar alacağımı söyledim. Çok şükür artık memleketimdeyim. Hükümetime, devletime teşekkür etmeye mecburum. Benim hayatıma, hürriyetime, insani ve kanuni haklarıma kıymet verdiler."

## ANNE BABASI, O İÇERİDEYKEN VEFAT ETTİ

**F**İKİRİ Bayramoğlu, hapisteki 12'nci yılında annesi ve babasıyla son kez görüştü. Babasından ABD'ye gittiği için ettiği

bedduayı geri almasını istedi. Baba-oğul sanlarak ağladı. İstanbul'a dönen anne ve babası, 2 yıl sonra peş peşe vefat ettiler.







# Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

June 11, 2013

Fikri Bayramoglu C-54604  
California Men's Colony West  
PO Box 8103  
San Luis Obispo, CA 93409

Dear Fikri Bayramoglu,

Thank you very much for contacting our offices with respect to the terrible treatment you have suffered. I regret to inform you that we are unable to assist you in your case. In declining to represent you in this matter, please understand that we are not expressing any opinion concerning the merits of your case.

You should be aware that there are statutes of limitation that will prevent you from bringing any claim at all if you wait too long. As we have not researched this matter, we are unable to advise you about which statutes might apply to your claims, however, you should not hesitate to seek other counsel as soon as possible. If you wait too long to bring a claim you will be forever barred from doing so. You may want to contact the following organization and request an attorney:

California State Bar  
1149 South Hill St  
Los Angeles, CA 90015  
213 765 1000

Again, I sincerely regret the fact that we are unable to help you and wish you the best of luck as you pursue this matter and fight for justice.

Very Truly Yours,

HUMAN RIGHTS DEFENSE CENTER

By: Lance T. Weber  
Litigation Project Director and Chief Counsel

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PO Box 2420, West Brattleboro, VT 05303  
Phone: 802.579.1309 Fax: 866.228.1681  
Email: [lweber@humanrightsdefensecenter.org](mailto:lweber@humanrightsdefensecenter.org)



RICHARD D. ATKINS  
ATTORNEY AT LAW  
1429 WALNUT STREET  
8TH FLOOR  
PHILADELPHIA, PA. 19102  
USA

(215) 977-9982  
FAX (215) 564-2859  
EMAIL: dickatkins@aol.com

May 21, 2007

Fikri Bayramoglu  
#C-54604  
California Training Facility  
Soledad Prison -ZW-329-L  
P.O. Box 689  
Soledad, CA 93960

Dear Mr. Bayramoglu:

I read through all of your enclosures and can easily see why you are upset. You cannot catch a break anywhere. While I work on transfer treaty applications, yours is unique. Now Turkey will not take you even if California approved, since they would have to release you immediately and that is not acceptable. We call that a Catch 22 situation.

There does not appear anything I or any other outside counsel can do to force California and Turkey to change their minds. Mrs. Wolff is correct. She cannot do anything to force California to act since it is a state, not a federal offense in question.

I am going to return your paperwork in case you need any of the letters and documents. Do not give up. Keep trying to be released. I do not think that much can be done from the outside even with large legal fee retainers. I wish your country of Turkey would push on your behalf.

Good luck in your extensive efforts to get released from the California system.

Sincerely yours.



Richard D. Atkins

RDA/lc

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FIKRI BAYRAMOGLU,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

Case No. 13-cv-01094-YGR (PR)

**ORDER GRANTING REQUEST FOR  
SECOND EXTENSION OF TIME FOR  
PLAINTIFF TO PAY FULL FILING  
FEE AND FILE A MOTION TO  
REOPEN CASE**

Plaintiff, a frequent litigant in federal court, filed this *pro se* civil rights action under 42 U.S.C. § 1983. In an Order dated July 23, 2014, Plaintiff's *in forma pauperis* status was revoked pursuant to 28 U.S.C. § 1915(g). Dkt. 27. The case was dismissed without prejudice to Plaintiff's filing a motion to reopen no later than twenty-eight days from the date of that Order, accompanied by the full filing fee of \$350.00. *Id.* at 10.

On October 29, 2014, the Court granted Plaintiff a twenty-eight-day extension of time to pay the full filing fee and file a motion to reopen. Dkt. 39.

On November 17, 2014, Plaintiff filed a second request for an extension of time to pay the full filing fee and file a motion to reopen, up to and including six months from the date he filed the request. Dkt. 40. Having read and considered Plaintiff's request, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's request for a second extension of time is GRANTED. The time in which Plaintiff may pay the full filing fee and file a motion to reopen will be extended up to and including **May 18, 2015**.

This Order terminates Docket No. 40.

**IT IS SO ORDERED.**

Dated: January 14, 2015

  
YVONNE GONZALEZ ROGERS  
United States District Court Judge

United States District Court  
Northern District of California

CVSP  
INMATE LEGAL MAIL  
RECEIPT

NAME: Fikri Bayramoglu  
CDC# C-5464  
HOUSING UNIT: D-11-B-2-2

TO: Hon. Barack H. Obama  
President of the United States  
1600 Pennsylvania Ave, N.W.  
Washington, D.C., 20530

MAILED ON: \_\_\_\_\_

TYPE Letter to President, Dated: 3-12-12  
OF  
MAIL and "Objections" to Report &  
Recommendation, USDC Central  
Dist. Case No. EDCV-11-678 PSG (PTW)

BY: \_\_\_\_\_

[Signature] 3-13-2012  
INMATE SIGNATURE DATE

C D L D 3/13/12  
SGT/LT SIGNATURE DATE

Original - MAILROOM  
Yellow - INMATE COPY  
Pink - SGT/LT COPY



United States District Court  
Northern District of California  
Oakland Division

Fikri Bayramoglu, Plaintiff  
Vs.

Case No. C-13-1094-YGR

Matthew Cade, et al.,  
Defendants

Proof of Service By Express Mail

I, Fikri Bayramoglu, Plaintiff certify that on April 23, 2015 I served a copy of the attached: "Notice and Motion to Reopen Case, and Change of Address, and to Pay the Full Filing Fee of \$350, by May 18, 2015," by placing a copy in a "express postage" paid envelope addressed to the person(s) hereinafter listed:

T.C.

Ms. Alicia A. Bowes, Attorney  
(Deputy) General of the State  
of California, 455 Golden  
Gate Ave., Ste 11000 - San  
Francisco, CA 94102-7004

Cumhurbaşkanı Recep  
Tayyip Erdoğan (President  
of the Republic of Turkey)  
Cumhurbaşkanlığı Sarayı  
P.K. 06560, Beştepe, Ankara

I declare under the U.S. and  
Turkish laws that the fore-  
going is true and correct.  
Fikri Bayramoglu, Plaintiff

Hon. Barack H. Obama,  
President of the U.S. America  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20520

